

<sup>26</sup>  
~~32.~~ The method of Claim ~~13~~<sup>18</sup>, further comprising the step of determining a price range prior to determining the performance of the buyer, said price range having a lower limit associated with a best performance, and an upper limit associated with a worst performance, and wherein the price assigned to the product is within the price range.

<sup>29</sup>  
~~33.~~ The method of Claim ~~32~~<sup>26</sup>, wherein the PDA is a video game.

<sup>33</sup>  
34. The system of Claim ~~19~~<sup>30</sup>, wherein the server is further programmed to determine a price range prior to determining the performance of the buyer, said price range having a lower limit associated with a best performance, and an upper limit associated with a worst performance, and wherein the server is further programmed to assign the price to the product within the price range.

*Sub Cont*  
35. A method of assigning a price to a product comprising the steps:  
determining a performance of a buyer during a Price Determining Activity (PDA); and  
assigning a price to the product, said price being scaled to the performance of the buyer.

*Sub C1*  
36. The method of Claim 35, further comprising the step of determining a price range prior to determining the performance of the buyer, said price range having a lower limit associated with a best performance, and an upper limit associated with a worst performance, and wherein the price is within the price range.

37. The method of Claim 36, wherein the PDA is a video game.

38. The method of Claim 36, further comprising the step of setting a difficulty level of the PDA based at least in part on an average target price for the product.

39. The method of Claim 36, wherein the price is determined at least partially based upon participation of the buyer in an auction.

40. The method of Claim 39, wherein the auction is a reverse auction.



**U.S. Patent Application Serial No. 09/342,866**  
**Amended Claims: Version Without Markings**

(Amended) A method of doing business over a global communications network comprising the steps:

communicating to a buyer via the global communications network, a description of a product;

accepting a first request from the buyer to buy the product for a price to be determined within a price range;

accepting a second request from the buyer to allow the price to be determined based upon a performance of the buyer while participating in a Price-Determining-Activity (PDA);

receiving data from the buyer over the global communications network, said data representing the performance of the buyer during the PDA; and

determining the price of the product based at least partially upon the data received, said price being within the price range and scaled to the performance of the buyer.

6. (Amended) The method of claim 1, further comprising the step of associating the PDA with the product based at least partially upon a number of participants required for execution of the PDA.

9. (Amended) The method of claim 1, wherein the PDA requires participation of at least one participant in addition to the buyer.

13. (Amended) A method of determining a price of a product using a global communications network, comprising the steps:

communicating to a buyer via the global communications network, data representing a plurality of products available, said plurality of products including a first product;

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Cont accepting acknowledgement from the buyer representing an intent of the buyer to buy the first product at a price to be determined based upon a performance of the buyer while participating in a Price-Determining-Activity (PDA), said acknowledgement being communicated over the global communications network;

determining the performance of the buyer; and

assigning a price to the product, said price being scaled to the performance of the buyer.

17. (Amended) The method of claim <sup>27</sup>~~32~~, wherein the PDA is adapted to accommodate participation of a second participant.

18. (Amended) The method of claim <sup>21</sup>~~13~~ wherein the price is dependent at least partially upon a bid selected by the buyer.

19. (Amended) A system for conducting e-commerce over a global communications network, comprising:

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Cont a computer server having access to the global communications network, and being programmed to:

a) communicate to a buyer via the global communications network, data representing a plurality of products, said plurality of products including a first product;

b) accept acknowledgement from the buyer representing an intent of the buyer to buy the first product at a price to be determined dependent on a performance of the buyer while participating in a Price-Determining-Activity (PDA), said acknowledgement being communicated over the global communications network;

c) determine the performance of the buyer based upon data received over the global communications network; and

d) assign a price to the product, said price being scaled to the performance of the buyer.

<sup>10</sup>  
~~23.~~ (Amended) The method as in claim 9, further comprising the step of determining the price based at least partially upon a competition between the buyer and the at least one participant using the PDA.

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~~24.~~ (Amended) The method as in claim <sup>10</sup>~~23~~, wherein the at least one participant is a second buyer, and further comprising the steps of accepting a second request from the second buyer to buy the product for a second price to be determined within the price range, and determining said second price based at least partially upon the competition.

<sup>28</sup>  
C7 ~~27.~~ (Amended) The method as in claim <sup>27</sup>~~17~~, further comprising the step of determining the price based at least partially upon a competition between the buyer and the second participant using the PDA.